IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 9473 of 2007(C)

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PETITIONER:

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E.M.KUNJUMON,ASSISTANT SUB INSPECTOR OF POLICE (GRADE),NEDUPUZHA POLICE STATION, KOORKANCHERRY P.O THRISSUR-7.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.PETER JOSE CHRISTO

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT,HOME DEPARTMENT, SECRETARIAT,THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE, POLICE HEAD QUARTES,THIRUVANANTHAPURAM.

3. THE INSPECTOR GENERAL OF POLICE,NORTH ZONE,KOZHIKODE.

4. THE SUPERINTENDENT OF POLICE,THRISSUR.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.K.DENESAN, J**

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**W.P.(C)NO. 9473 of 2007**

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**Dated this the 27th day of March, 2007**

**JUDGMENT**

The petitioner is working as Assistant Sub Inspector of Police (Grade), presently in Nedumpuzha Police Station. Ext.P1 memo of charge was served on him alleging misconduct said to have been committed on 29.1.2003 and 30.1.2003. The petitioner denied the allegations against him. Ext.P2 explanation was submitted on 13.10.2003. An oral enquiry was ordered. The enquiry was posted to 4.8.2003 as seen from Ext.P3 notice dated 26.7.2003. Counsel for the petitioner submits that that was the last sitting for the enquiry and that the enquiring authority has submitted a report based on the materials on record. The petitioner is due to retire from service by the end of April 2007. Unless the disciplinary proceedings are finalised, the rights of the petitioner to claim service benefits including terminal benefits will be adversely affected. He has, therefore, approached this

Court, after filing Ext.P4 representation before the first respondent, for expeditious disposal of the disciplinary proceedings.

2. Government Pleader was directed to seek instructions as to the time required for completing the disciplinary action. On instructions, it is submitted that the disciplinary proceedings are at the final stage and what remains to be done is to take a final decision by the disciplinary authority after perusing the materials on record including the enquiry report. Government pleader, however, submits that a vigilance enquiry is going on against the petitioner and that the Government would like to take into consideration the result of that enquiry also before passing final orders in the disciplinary proceedings.

3. Heard both sides.

4. I am afraid the third respondent is not justified in taking into consideration extraneous materials including materials collected in a parallel enquiry, whether it be a vigilance enquiry or any other enquiry and make use of those materials while taking final decision in the disciplinary proceedings based on the

charges framed against the petitioner as per Ext.P1. The third respondent can take into consideration only those materials which have been brought on record in the instant disciplinary proceedings during the course of enquiry held into the charges framed as per Ext.P1. Now that all those materials are before the third respondent, he shall take final decision in accordance with the provisions contained in the Kerala Police Departmental (Enquiries, Punishment and Appeal) Rules. Since the petitioner is due to retire form service by the end of April 2007, final orders shall be passed without further delay. I think, in the circumstances, it is necessary in the interest of justice to fix a time limit for passing final orders, as directed above. The time limit for that purpose will be three weeks from the date of receipt of a copy of the judgment. The petitioner shall serve on the third respondent a copy of the judgment and a copy of the writ petition for information and necessary action.

The writ petition is disposed of with the above directions.

**K.K.DENESAN, JUDGE**

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